

Service Date: June 12, 1986

FINAL ORDER NO. 5703

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-8914
Westgate Enterprises, Inc., West)	
Yellowstone, Montana for a Certificate)	ORDER NO. 5703
of Public Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 16, 1986, Westgate Enterprises, Inc., 220 Boundary Street, Box 400, West Yellowstone, Montana, 59758, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of garbage or solid waste in forty (40) yard roll-off containers, Class D, between all points and places within Beaverhead County.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public on May 6, 1986. That notice said in pertinent part:

If no written protests are received by May 25, 1986, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. On May 13, 1986, the applicant restrictively amended his application to exclude transportation within the city limits of Dillon, Montana, and a 15 mile radius thereof.
4. No protests or responses of any kind were received.
5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.
3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 2nd day of June, 1986, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-8914, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Westgate Enterprises, Inc., West Yellowstone, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

CLASS D - garbage or solid waste in forty (40) yard roll-off containers between all points and places within Beaverhead County.
LIMITATIONS: Transportation within the town of Dillon, Montana, and a fifteen (15) mile radius thereof is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 12th day of June 1986, by a vote of 5- 0

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BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

JOHN DRISCOLL, Commissioner

HOWARD ELLIS, Commissioner

TOM MONAHAN, Commissioner

DAN OBERG, Commissioner

ATTEST:

Trenna Scoffield
Commission Secretary

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.